
INDOT'S TITLE VI WORKBOOK FOR CITIES & TOWNS

Prepared for the 2016 Title VI Summit



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www.in.gov/indot

Title VI Responsibilities:

- Designate a Title VI Manager
- Ensure Programmatic Implementation throughout your agency
- Develop, Post & Implement a Title VI policy
- Implement a Complaint Policy
 - Maintain a Complaint Log
- Evaluate the following for discrimination:
 - Programs / facilities
 - Activities



Title VI Responsibilities:

- Adhere to the signed Assurances of Nondiscrimination & include the appropriate appendices where applicable
- Disseminate Title VI information to beneficiaries & stakeholders: Include Title VI in your Public Involvement Plan
- Monitor Subrecipients for Compliance
- Develop, Post & Implement your annual program documents:
 - Title VI Implementation Plan, and
 - Annual Goals & Accomplishments Report



Designate a Title VI Manager:

Requirements:

- Designate a Title VI Coordinator who:
 - has a **responsible position** in the organization (**Policy Implementation**) and
 - has **easy access to the head of the agency**.
- Who best meets these qualifications? WHY?
- The Title VI Coordinator will also be responsible for ongoing monitoring of Title VI activities.
- Identify the Title VI Coordinator **by name** and:
 - include his or her contact information in the Title VI Plan,
 - on your website and
 - with your grievance procedure.



Who best meets the qualifications for Title VI Coordinator in your community?

Why?

If you cannot readily identify a list of individuals, what office or program area do you believe the Title VI Coordinator should be selected from? Why?

Programmatic Implementation:

Requirements:

- Build a communication network of trained agency representatives in different divisions, program areas, agencies, etc. such that adequate awareness & data collection & analysis can occur.

List ALL programs within your agency that could have Title VI implications.

- Underline those on your list you KNOW have Title VI implications
- If you can identify specific Title VI implications in that program area, LIST those.
- You may want to write the program area on top of a sheet of paper and list the implications below that.
- What information would you need to gather and review to know if discrimination occurs in that program area?
- For each underlined program area, WRITE DOWN the name of a person you can contact to discuss Title VI implications in that program area with.



List the programs within your agency that COULD have Title VI implications here:

(UNDERLINE those program areas you know have Title VI implications.)

You may use the following blank pages to complete the rest of this exercise.

Program Evaluation:

Requirements:

- Develop and implement procedures for the collection of statistical data (race, color, national origin, sex, disability, and age) of participants in and beneficiaries of your agency's programs.
- Work with your liaisons, Program Area Representatives, or other Title VI team members to analyze data and information collected and
- Make adjustments to programs as necessary to reduce discriminatory impacts,
- Document your efforts.



Looking over the last few pages of program areas you identified, take a few moments to make notes about any information you already gather, should gather, or may want to gather to determine whether or not discrimination is occurring.

Make notes about how this information would be collected and analyzed. Who would have access to information to collect it? Who would need to analyze it? Who would need to be involved in discussing the outcomes and any changes needed based upon the results of the analysis? How would you report the information?

INTERNAL COMPLIANCE REVIEWS & MONITORING

Requirements:

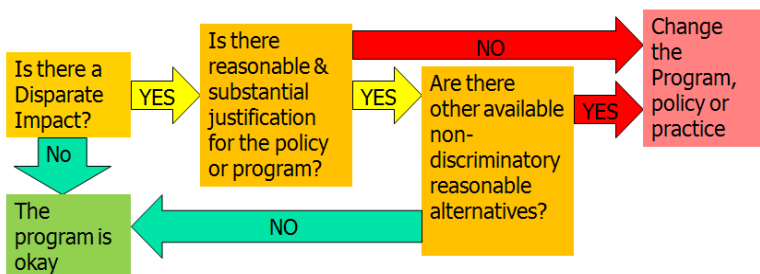
- Develop and implement procedures for the collection of statistical data (race, color, national origin, sex, disability, and age) of participants in and beneficiaries of an agency's programs (e.g., relocatees, impacted citizens and affected communities).
 - Data needs to be collected on an ongoing basis.
 - Data collected must be related to a specific program area and the oversight objective for that program area's compliance. This should be clearly identified.
 - Identify the types of reviews that will be conducted and for which program area.
 - Specify which activities will be monitored and what data will be collected.
 - Identify how the review will meet its objective and how it will be reported. (i.e. how patterns of discrimination will be identified and addressed.)
 - Reports should be included in the Annual Goals & Accomplishments Report.
 - Special emphasis program areas should be identified and progress made should be included in the annual Goals & Accomplishments Report. A special emphasis program area is one that:
 - May have existing discrimination,
 - Has been the the subject of a complaint,
 - Has strong Title VI implications, or
 - Is otherwise identified as such in the implementation plan.
- Work with your liaisons, Program Area Representatives, or other Title VI team members to analyze data and information collected and make adjustments to programs as necessary to reduce discriminatory impacts, documenting your efforts.

Having looked over this page, make any additional necessary notes to the program area pages you have created.

Program Evaluation:

Recommendations:

- Conduct a disparate impact analysis whenever data collected reveals the potential for discrimination.
- The following chart indicates how a disparate impact analysis may be conducted.
- This is a legal analysis and should be done with the participation of counsel.



Consider at least one program area you highly suspect may have one or more Title VI Implications and list the potential implication. E.g. "Snow Removal". Apply the disparate impact analysis to the program area by asking the questions diagramed above. How difficult is this? Who should participate in the analysis? What additional information would you need to conduct this analysis? Make notes below.

Develop a Nondiscrimination Policy

Requirements:

- Develop a Title VI Nondiscrimination Policy Statement assuring nondiscrimination in the agency's programs and activities.
- Post This policy
- Implement this policy

"No person shall on the grounds of race, color, national origin, sex, sexual orientation, gender identity, age, disability, religion, income status, or Limited English Proficiency be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are federally- funded or not."

Do you have a current policy that meets the requirements?

Where is it posted?

How are employees aware of the policy? Training?



Use the space below to make notes about your nondiscrimination policy and any changes in the policy or its application and availability that should be made.

Develop a Complaint Policy

Requirements:

- Develop a **grievance procedure**.
- Develop a **complaint form** that clearly identifies the Title VI Coordinator by name & provides contact information.
- **Notify INDOT** of any complaints received within ten (10) days.
- Maintain a **log** of all complaints received that identifies:
 1. Each complainant by race, color, sex, national origin or other pertinent basis
 2. The recipient
 3. The nature of the complaint
 4. The dates the complaint was filed and the investigation completed
 5. The disposition
 6. The date of the disposition
 7. Other pertinent information
 8. The status of the complaint investigation or lawsuit
 9. Corrective actions taken, if any



Effective Complaint Processing

- **Must have a procedure for:**
 - Receiving
 - Public must know how to make a complaint
 - Tracking
 - Must have a complaint log which includes
 - The filing date
 - Unique complaint number
 - A summary of the allegations
 - Disposition
 - Investigating
 - Determine jurisdiction, prima facie case, methodology, etc.
 - Resolving
 - Informal resolutions
 - Responding
 - Complainant should receive an acknowledgment and explanation of findings
 - Record Keeping
 - Records are confidential and should be kept at least three years



Compare your current policy to the above requirements and recommendations. Use the following page to make note of any changes or revisions you think should be considered. Identify who you would need to discuss the policy with to make those changes.

Disseminate Title VI Information:

Requirements:

- Provide an opportunity for public involvement and access to the transportation decision making process in every stage of the planning and development of transportation projects to everyone:
 - Including minority or low-income communities and
 - Populations who are not proficient in English.
 - Consider disabilities!
- Develop an agency Public Participation Plan with maps of the identified EJ and LEP populations (based upon the most recent Census data) that details how public participation is solicited, captured, and utilized.



How is Title VI information currently disseminated? Is it posted on the website? Is it easy to find? Make a note of any ways you believe this process should be improved or could be improved in your community.

Monitor Subrecipients for Compliance:

Requirements:

- Develop and implement pre and post-award subrecipient monitoring policies to ensure those further subrecipients who receive federal funds from you are compliant and remain compliant with Title VI.
- Ensure post-award compliance reviews are risk-based
- Ensure pre-award compliance monitoring strategies exist as this is the best opportunity to ensure discrimination does not occur.



Monitor Subrecipients for Compliance:

Recommendations:

- Develop subrecipient policies that fit the size and function of your community but that meet the requirements for monitoring.
- Consider FHWA and INDOT policies when designing your own.
http://www.in.gov/indot/files/DBE_SubrecipientTechnicalAssistanceTool.pdf
- Clearly communicate your expectations
- Train your staff of the importance of compliance monitoring as well as the procedures
- Maintain records of all compliance reviews for at least three (3) years from the date the project is complete, NOT the date of the review.



Do you currently monitor subrecipients? If so, how? If not, what subrecipients should be monitored? How do you envision taking the first step toward monitoring? Who needs to participate in the conversation? What would the first step look like? Use the next page to make notes.

Title VI Implementation Plan:

Requirements:

- Communicates how the agency implements the Title VI/Nondiscrimination requirements (including EJ & LEP)
- Contains procedures, strategies, and activities to facilitate and assure nondiscrimination in federally assisted programs and activities of the agency.
- Identifies the Title VI Coordinator, the Complaint Procedure, and includes all policies and nondiscrimination statements.



Title VI Implementation Plan:

Requirements:

- Includes mechanisms to guarantee effective and efficient implementation, compliance, and enforcement of Title VI.
- Includes maps of Environmental Justice (EJ) and Limited English Proficient (LEP) populations (based upon the most recent Census data).
- Includes organizational charts including any Title VI liaisons and program area representatives.
- Discusses training programs, audiences and frequency.
- Includes subrecipient monitoring practices.



Goals & Accomplishments Report:

Requirements:

- Identifies specific **goals** for the upcoming year including:
 - What program areas will be evaluated?
 - How? What data will be collected? How will it be analyzed? What will the analysis show?
 - Think “Who, What, When, Where, How & Why?”
- Discusses **accomplishments** from the prior year including:
 - What programs were evaluated? Include the data or a summary thereof, what it revealed and what action will result.
 - Subrecipient monitoring
 - Trainings & attendance
 - Complaints
 - Public comments



Plans vs. Reports:

Title VI Implementation Plans:

- Policy Documents
- Organizational
- Handbook

Title VI Goals & Accomplishments Reports:

- Specific goals with action steps
- Who, what, when, where, how & why identified with specificity (names, dates, etc.).
- Data-driven analysis with the DATA (or summary)
- Discussions
- Reports
- Recommendations
- Reflections
- Revisions



KEY ELEMENTS OF A TITLE VI IMPLEMENTATION PLAN

- ☐ Policy Statement
- ☐ Standard USDOT Assurances
- ☐ Organization & Staffing
- ☐ Program Area Review Procedures
- ☐ Special Emphasis Program Areas
- ☐ Subrecipient Review Procedures
- ☐ Data Collection
- ☐ Training
- ☐ Complaint Procedures
- ☐ Dissemination of Title VI information
- ☐ Limited English Proficiency
- ☐ Environmental Justice
- ☐ Review of directives for Title VI Compliance
- ☐ Compliance and enforcement procedures

Check the box next to each element you HAVE currently. If it is not part of your plan, list who owns it and where it is “housed”. (i.e. Is it part of another document? Is it on a webpage?)

For each element you do NOT HAVE, consult the INDOT subrecipient technical assistance tool at <http://www.in.gov/indot/2751.htm> to determine what needs to be done to develop those elements. It may be beneficial to prioritize their development considering factors like importance or ease of developing them. You could number the elements you do not have checked above in order of priority for example.

Annual Goals and Accomplishments RReport

This is the place where specific goals are identified and data collected and analyzed the prior year is reported. It should include the following:

- The number of program areas reviewed during the previous year and those which will be reviewed during the upcoming year.
- The number and type of subrecipient reviews conducted during the previous year and a discussion of the outcomes, as well as the number planned for the upcoming year.
- Title VI training conducted, including the type of training, number and type of individuals trained and materials. Identify training goals and opportunities for the upcoming year also.
- Include a summary disposition of all complaints received and identify any changes made to programs as a result or further action required.
- Discuss the data collected and analyzed for all program areas generally and for special emphasis program areas with particularity. Identify what data will be collected and how it will be analyzed during the upcoming program year.

Make a list of three potential goals for this year. These goals may be very preliminary, such as “Determine who should serve as our community’s Title VI Coordinator”, “Determine which program areas may have Title VI Implications,” and “Develop a Title VI Implementation Plan.”

Consider what training you could provide and to whom this year:

What data do you envision including in your next (or first) annual Goals & Accomplishments report?

SAMPLE COMMITMENT LETTER & ACTION PLAN:

This template may be useful to you as you work to bridge the gap between deficient and compliant status while remaining eligible for funding through INDOT.

[Letterhead]

[date]

Erin L. Hall, JD
Title VI & ADA Program Manager
Indiana Department of Transportation
Indiana Government Center North, Room 750
100 N. Senate Ave.
Indianapolis, IN 46204

RE: [name of community]'s Nondiscrimination & Accessibility Letter of Commitment to INDOT

Ms. Hall;

[Community] is submitting this correspondence to INDOT as a good faith representation that it intends to improve its compliance with those nondiscrimination & accessibility requirements which are conditions of receiving federal funds. INDOT has reviewed [community]'s compliance efforts and identified the following potential deficiencies:

[List deficiencies identified or attach list and reference attachment here]

[Community] has enclosed documents in evidence that [community] is in compliance with the following:

[list potential deficiency identified by INDOT]	[list item enclosed that demonstrates compliance]
e.g. Community does not have an ADA Transition Plan.	e.g. Copy of Communities transition plan is enclosed.

[Community] commits to address the remaining deficiencies (if any) as follows:

- I. [identify first deficiency] (e.g. Community does not have a Title VI Implementation Plan.)
 - a. [Community] plans to address this deficiency by [date].
 - b. In 2016 [Community] plans to take the following steps toward resolving this deficiency:
 - i. By [Month / Date] [Community] will (e.g. identify program areas with Title VI Implications)

- ii. By [Month / Date] [Community] will (e.g. review existing policies for incorporation or reference into the Title VI Implementation Plan)
 - iii. [identify next action step]
- II. [identify next deficiency}

[Community] represents that the above representations are made in good faith and represent its commitment toward achieving compliance with all nondiscrimination and accessibility requirements. [Community] represents that the undersigned individual is authorized to make these commitments on behalf of [Community] and understands that INDOT may monitor [Community]'s progress toward achieving its goals as represented herein.

This letter of Commitment is being submitted by:

[name] [Title / role]

[address]

[email]

[phone]

[fax]

Sincerely,

[Name]